

10/534461

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

REC'D 05 OCT 2004

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Applicant's or agent's file reference SECUR-PNEU	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEAA416)	
International application No. PCT/IT 02/00804	International filing date (day/month/year) 18.12.2002	Priority date (day/month/year) 18.12.2002
International Patent Classification (IPC) or both national classification and IPC G01M17/02		
Applicant SECURITY CONTROL S.R.L. et al.		

1. This International preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of 3 sheets.



EPO - DG 1

01.11.2004

3. This report contains indications relating to the following items:

I	<input checked="" type="checkbox"/>	Basis of the opinion
II	<input type="checkbox"/>	Priority
III	<input type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV	<input type="checkbox"/>	Lack of unity of invention
V	<input checked="" type="checkbox"/>	Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI	<input type="checkbox"/>	Certain documents cited
VII	<input type="checkbox"/>	Certain defects in the international application
VIII	<input type="checkbox"/>	Certain observations on the international application

(107)

Date of submission of the demand 19.07.2004	Date of completion of this report 04.10.2004
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Köck, A Telephone No. +49 89 2399-2493 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/IT 02/00804**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

2-5 as originally filed
1, 1a, 1b received on 11.09.2004 with letter of 08.09.2004

Claims, Numbers

1-4 as originally filed

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3):

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application, as filed, has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
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International application No. **PCT/IT 02/00804**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-4
	No: Claims	
Inventive step (IS)	Yes: Claims	1-4
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-4
	No: Claims	

2. Citations and explanations

see separate sheet

V. Reasoned statement under Article 35(2) PCT

1. The following documents have been considered for the purposes of this report:

D1 = US 2001/019263

D2 = US-A-6 150 809

2. Article 6 (clarity)

The present claim 1 is not clear because the term "reticles" seems to be inappropriate in this context and the device does not control said reticles. The claim should be amended by, for instance, replacing the initial part thereof with the following expression taken from lines 3 and 4 on page 1 of the description:
Magnetic-inductive device for the non-destructive testing of ferromagnetic inserts.

3. Article 33(2) (novelty)

Both D1 and D2 relate to magnetic-inductive devices suitable for non-destructive testing of ferromagnetic inserts. However, none of the two documents comprise any means to rotate the coils of the devices.

The present application thus satisfies the criterion set forth in Article 33(2) PCT because the subject-matter of claim 1 and the claims dependent thereon is new in respect of prior art as defined in the regulations (Rule 64(1)-(3) PCT).

4. Article 33(3) PCT (inventive step)

The above mentioned difference between claim 1 and the prior art allows the coils to be adapted to different shapes of objects to be tested. Both D1 and D2 are only suitable for testing straight, even objects such as bars, sheets or railway tracks.

5. The independent claims should have been drafted in the two-part form as required by Rule 6.3(b) PCT, whereby the features known from D2 should have been placed in the preamble.